

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Quera Pruitt, on behalf of herself and all
other similarly situated,

Case No. 11-cv-02143-DSD-JJK

Plaintiff,

vs.

Dr. Beth Borgen, in her individual official
capacity; and Red Wing Public Schools,
ISD #256,

Defendants.

**PETITION AND STIPULATION FOR
COURT APPROVAL OF
SETTLEMENT PURSUANT TO
MINNESOTA STATUTES 466.08,
AND IN-CAMERA REVIEW AND
PUBLICATION OF GENERAL
RELEASE AND SETTLEMENT
AGREEMENT**

That the undersigned are the respective attorneys for Plaintiff and Defendants in the above-named matter and agree with that the statements contained in the Petition to Approve Settlement pursuant to Minn. Stat. § 466.08, and to Order publication of the General Release and Settlement Agreement entered into between the parties in accordance with Minn. Stat. §§ 13.03, subd. 6 and 13.32, subd. 3(b);

WHEREAS, Plaintiff Quera Pruitt was a former student of Red Wing High School;

WHEREAS, "Student" under the Minnesota Government Data Practices Act concerning Educational Data is defined as "an individual currently or formerly enrolled or registered . . . at a public educational agency or institution." Minn. Stat. § 13.32, subd. 1(c) (Supp. 2011);

WHEREAS, Independent School District No. 256 (Red Wing Public Schools) (hereinafter “District”) is a public independent school district created in accordance with the laws of the State of Minnesota;

WHEREAS, the Commissioner of Administration issued Minnesota Department of Administration Advisory Opinion 96-019, indicating that, under certain circumstances, the terms of a settlement agreement involving an out-of-court settlement between a public school and a student could be considered private educational data.

WHEREAS, the General Release and Settlement Agreement in this matter identifies Plaintiff’s name, discusses reasons for settlement, and the settlement amount.

WHEREAS, the parties, through their undersigned counsel, agree that the benefit of public disclosure of the General Release and Settlement Agreement outweighs the confidentiality and privacy interests of Plaintiff;

WHEREAS, the parties, through their counsel, agree that the Court should undertake an in-camera review of the General Release and Settlement Agreement (submitted to the Court under seal) as provided for in the Minnesota Government Data Practices Act, and Order that it may be released to the public.

WHEREAS, 42 U.S.C. Section 1983 claims have been described as a “species of tort liability” by the Court (*Imbler v. Pachtman*, 424 U.S.409, 417, 96 S.Ct. 984, 988 (1976));

WHEREAS, the Minnesota Tort Claims Act, Chapter 466, defines a municipality as, among other things, a school district, however organized (Minn. Stat. § 466.01, subd. 1 (Supp. 2011));

WHEREAS, Minnesota Statutes § 466.08 (Supp. 2011), provides, in part, that the governing body of any municipality or the authorized representative of a private insurance carrier may compromise, adjust and settle tort claims against the municipality for damages under 466.02.

WHEREAS, Minnesota Statutes § 466.08 further provides that “[w]hen the amount of a settlement exceeds \$10,000, the settlement shall not be effective until approved by the district court.” *Id.*

WHEREAS, the parties, through their undersigned counsel, agree that the Court should approve the settlement reached between them;

NOW, THEREFORE, THE PARTIES, THROUGH THEIR RESPECTIVE COUNSEL, HEREBY STIPULATE AND AGREE AS FOLLOWS:

1. That the Court approve the General Release and Settlement Agreement reached between the parties pursuant to Minnesota Statutes § 466.08.
2. That if the Court approves the General Release and Settlement Agreement reached between the parties, that it perform an in-camera review of this document submitted under seal, determine that the benefit of its publication to the public outweighs any harm to the confidentiality and privacy interests of Plaintiff, and Order that the General Release and Settlement Agreement be made public.

Dated: July 23, 2012

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Dated: July 24, 2012

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